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HIGH COURT OF CHHATTISGARH, BILASPUR

Judgment reserved on 10.04.2017, 12.04.2017 & 13.04.2017

Judgment delivered on 07.07.2017

WPS No. 5284 of 2016

1. Nitish Kumar Rai, S/o Shri Chandra Deo Rai, Aged About 27 Years, R/o Ring Road, Police Station Balco, District Korba, (Chhattisgarh)
2. Akhil Kumar Rathore, S/o Shri Dharmendra Kumar Rathore, Aged About 23 Years, R/o Near Lakshmi Narayan Mandir, Village Halahuli, City Kharsiya, District Raipur, (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Technical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur (Chhattisgarh)
3. All India Council of Technical Education, Through its Secretary, Chandralok Building, Janpad, Delhi.

---- Respondents

And

WPS No. 314 Of 2017

1. Ghanshyam Vishwakarma S/o Shri Vishnu Vishwakarma, Aged About 29 Years R/o Purana Sarkanda, P. S. Sarkanda, District Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh)

3. All India Council of Technical Education Through Its Secretary, Chandralok Building, Janpad, Delhi.
4. Rewati Raman Yadav, Roll No.150303115450, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh)
5. Sanjay Kumar Dewangan, Roll No.150303115271, C/o-Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh)
6. Sharad Chandra Rajpoot, Roll No.150303114982, C/o-Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Road, Raipur (Chhattisgarh)

---- Respondents

And

WPS No. 1443 Of 2017

1. Lokesh Kumar Dewangan S/o Shri Agnuram Dewangan, Aged About 26 Years, R/o Village Kaudikasa, Tahsil Chowki, P. S. Chowki, District Rajnandgaon (Chhattisgarh).
2. Gitesh Kumar, S/o Shri Hemant Kumar, Aged About 24 Years, R/o Village And Post Nahanda, Tahsil Dondilohara, P. S. Devri Bangla, District Balod (Chhattisgarh).

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh).
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh).
3. All India Council Of Technical Education, Through Its Secretary, Chandralok Building, Janpad, Delhi.
4. Rewati Raman Yadav, Roll No.150303115450, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh).
5. Sanjay Kumar Dewangan Roll No.150303115271, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh).

6. Sharad Chandra Rajpoot, Roll No.150303114982, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh).

---- Respondents

And

WPS No. 4633 Of 2016

1. Shesh Narayan Sahu S/o Lakhan Lal Sahu Aged About 28 Years R/o Village Sirsida, Post Khamhariya, Police Station Sihawa, Tahsil Nagri, Civil And Revenue District - Dhamtari, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District-Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through: Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Bhagat Singh Square, Raipur, District-Raipur, Chhattisgarh.
3. All India Council For Technical Education, Through: Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi-110067
4. Chhattisgarh Swami Vivekanand Technical University Bhilai, Through: Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, North Park Avenue, Sector 8, Bhilai, District-Durg, Chhattisgarh

---- Respondents

And

WPS No. 4639 Of 2016

1. Satyendra Yadav, S/o Dwarika Prasad Yadav, Aged About 29 Years, R/o Ameri, Police Station Chakarbhata, Post Sakri, Civil and Revenue District Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through: Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)

2. Chhattisgarh Public Service Commission, Through: Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Bhagat Singh Square, Raipur, District Raipur, (Chhattisgarh)
3. All India Council for Technical Education, Through: Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through: Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, North Park Avenue, Sector 8, Bhilai, District Durg, (Chhattisgarh)

---- Respondent

And

WPS No. 4852 Of 2016

1. Saurabh Singh, S/o Shri Brishket Singh, Aged About 23 Years, R/o Village Bhainsmudi, Post Office, Siund, Janjgir- Champa, District Janjgir - Champa (Chhattisgarh)
2. Manish Kumar Sahu, S/o Shri Radheshyam Sahu, Aged About 25 Years, R/o C/o Bhaiya Lal Sahu, Near Maharashtra Mandal, Ramkund Choubey Colony Raipur, (Chhattisgarh)
3. Piyush Kumar, S/o Shri Rajendra Prasad, Aged About 24 Years, R/o House No.197, Ward No.8, Bramhanpara, Pandatarai, District Kabirdham, (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department of Technical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, (Chhattisgarh)
3. All India Council Of Technical Education, Through Its Secretary, Chandralok Building, Janapad, Delhi

---- Respondent

And

WPS No. 4966 Of 2016

1. Vikas Kumar Gavel S/o Vijay Prasad Gavel, Aged About 24 Years, R/o Quarter No. 28, Civil Lines, Dharamjaigarh, Police Station & Post Dharamjaigarh, District Raigarh (Chhattisgarh)

2. Digvijay Kumar Gabel S/o. Gajanand Kumar Gabel, Aged About 26 Years R/o. House No. 145, Ward No. 8, Bazar Chowk, Village & Post Mukta, Police Station Malkharoda, District Janjgir Champa (Chhattisgarh)
3. Nisha Deshmukh D/o Pritam Kumar Deshmukh, Aged About 24 Years, R/o Street No. 29, Block No.131 B, Sector 7, Bhilai, Police Station Sector 6 Bhilai, District Durg (Chhattisgarh)
4. Aarti Verma, D/o Thanwar Singh Verma, Aged About 23 Years, R/o Ekta Nagar, Bhilai 3, Behind CSEB Colony, Police Station Bhilai 3, District Durg (Chhattisgarh)
5. Padmini Hardel, D/o. Balmiki Hardel, Aged About 24 Years, C/o Shashikant Hardel, Shree Medical Stores, Raipur Road, Bathena Chowk, Dhamtari, Police Station Dhamtari, District Dhamtari (Chhattisgarh)
6. Bharthari Singh, S/o. Begai Singh, Aged About 26 Years R/o Village Khongapani, Quarter No. 281, Ekta Nagar, Police Station Ledri, Tahsil Manendragarh, District Korea (Chhattisgarh)
7. Roshni Sahu, D/o Yashwant Sahu, Aged About 24 Years R/o Village And Post Lal Bahadur Nagar, Police Station Chichola, Tahsil Dongargarh, District Rajnandgaon (Chhattisgarh)
8. Sourabh Dewangan, S/o Laxmi Prasad Dewangan, Aged About 23 Years R/o. Sourabh Sadan, Jawahar Ward, Mungeli, Police Station Mungeli, District Mungeli (Chhattisgarh)
9. Nishant Kumar Dewangan, S/o Dilip Kumar Dewangan, Aged About 24 Years R/o. 132 K V, C S P T C L Sub-Station, C S E B Colony, Bijli Nagar, Bhilai 3, Police Station Bhilai 3, District Durg (Chhattisgarh)
10. Mukteshwari Sahu, D/o. Saroj Kumar Sahu, Aged About 23 Years R/o. Sanjay Nagar, Teachers Colony, Kurud, Police Station Kurud, District Dhamtari (Chhattisgarh)
11. Shyama, D/o. Shiv Prasad, Aged About 23 Years R/o. Salheona, Tahsil Baramkela, Police Station Saria, District Raigarh (Chhattisgarh)
12. Gitesh Kumar, S/o. Hemant Kumar, Aged About 24 Years R/o. Village Nahanda, Post Nahanda, Police Station Deori, Tahsil Dondi Lohara, District Balod (Chhattisgarh)
13. Ghanshyam Vishwakarma, S/o. Vishnu Vishwakarma, Aged About 28 Years R/o. Old Sarkanda, Mata Choura, Bilaspur, Police Station Sarkanda, District Bilaspur (Chhattisgarh)

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through : Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through : Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur (Chhattisgarh)
3. All India Council For Technical Education, Through : Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg (Chhattisgarh)

---- Respondent

And

WPS No. 5403 Of 2016

1. Juhi Verma D/o Shri Nepal Verma, Aged About 24 Years R/o Pursuram Nagar, Telibandha, Raipur District Raipur, Chhattisgarh
2. Bhanupratap Bharti S/o Shri J.R. Bharti, Aged About 26 Years, R/o House No.159, Sector 4, Balco Nagar, Korba, District Korba Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Mantralaya Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur Chhattisgarh
3. All India Council of Technical Education, Through Its Secretary, Chandralok Building Janpad, Delhi,

---- Respondent

And

WPS No. 5466 Of 2016

1. Rakesh Nirmalkar, S/o B. V. Nirmalkar, Aged About 24 Years, Near Ravidas Square Chandania Para, P.S. and Post Janjgir, District Janjgir- Champa (Chhattisgarh)
2. Pooja Thawait, D/o Bilas Kumar Thawait, Aged About 23 Years, R/o B. K. Medical Store, Near Chandan Talab, Pussure, Post Pussure, P.S. Raigarh, District Raigarh, (Chhattisgarh)
3. Durgesh Kumar Lihare, S/so Rikhi Ram Lihare, Aged About 24 Years, R/o Station Para, Ward No.13, Rajnandgaon, P.S. And Post Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
4. Girja Shankar Verma, S/o Banshi Lal Verma, Aged About 24 Years, R/o Village Sell Via Katgi, P.S. And Post Balodabazar, District Balodabazar (Chhattisgarh)
5. Virendra Kumar Nageshiya, S/o Man Prasad Nageshiya, Aged About 22 Years R/o LIG-202, H. B. Colony, P.S. And Post Dhamtari, District Dhamtari, (Chhattisgarh)
6. Pooja Chandrakar, D/o Ram Kumar Chandrakar, Aged About 23 Years R/o Village Bhansuli, Post Jamnagar, Tehsil Patan, P.S. Durg, District Durg, (Chhattisgarh)
7. Mridul Kumar Jha, S/o Mukul Kumar Jha, Aged About 29 Years R/o Zone-1, Street No.2A, New Adarsh Nagar, Borsi Road, Durg, Police Station & Post Durg, District Durg, (Chhattisgarh)
8. Anish Vishal, S/o Madhusudan Vishal, Aged About 24 Years, R/o U- 5, Sector-1 (Ext.), Avanti Vihar, Telibandha, Police Station Telibandha, District Raipur (Chhattisgarh)

---- Petitioners

Vs

1. State Of Chhattisgarh Through: Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through: Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, (Chhattisgarh)
3. All India Council for Technical Education, Through: Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi - 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through: Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg, (Chhattisgarh)

---- Respondent

And

WPS No. 6000 Of 2016

- Rupa Devi Rajeshwar D/o Shri Fagu Singh Rajeshwar Aged About 25 Years R/o Village Kodopali, Post Gendapali, Police Station Bilaigarh, Tahsil Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioner**Vs**

1. State of Chhattisgarh, Through Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh.
3. All India Council For Technical Education Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi 110067.
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg Chhattisgarh.

---- Respondent**And****WPS No. 6078 Of 2016**

1. Geetesh Kumar S/o Hemant Kumar, Aged About 24 Years R/o Village And Post Nahanda, Tahsil Dondilohara, P.S. Devri, Bangla, District Balod, Chhattisgarh
2. Sourabh Singh, S/o Shri Brishket Singh, Aged About 24 Years, R/o Village Bhaismundi, Tahsil And P.S. Navagarh, District Janjgir Champa Chhattisgarh
3. Manish Kumar Sahu, S/o Shri Radhshyam Sahu, Aged About 25 Years R/o C/o Bhialal Sahu, Near Maharashtra Mandal, Choubey Colony, P.S. Saraswati Nagar, District Raipur Chhattisgarh
4. Dheeraj Kumar Sahu, S/o Shri Akshay Sahu, Aged About 25 Years, R/o Near Azad Chowk, Village And Post Mandhar, Thana Dharsiwa, District Raipur Chhattisgarh

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Secretary, Department of Technical Education Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Road, Raipur Chhattisgarh
3. All India Council of Technical Education, Through Its Secretary, Chandralok Building, Janapd, Delhi,

---- Respondent

And

WPS No. 6644 Of 2016

- Ghanshyam Vishwakarma S/o Shri Vishnu Vishwakarma, Aged About 29 Years R/o Purana Sarkanda, P. S. Sarkanda, District Bilaspur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (Chhattisgarh)
3. All India Council Of Technical Education Through Its Secretary, Chandralok Building, Janpad, Delhi.
4. Poorva Sharma, Assistant Professor (Electrical And Electronics), Government Engineering College, Raipur, District Raipur (Chhattisgarh)
5. Devshri Pansari, Assistant Professor (Electrical And Electronics), Government Engineering College, Raipur, District Raipur (Chhattisgarh)

---- Respondent

For Petitioners	Shri Sunil Otvani, Shri Manoj Paranjpe and Shri Vinay Pandey, Advocates
For Respondent-State	Shri S. P. Kale, Dy. AG and Satish Gupta, Government Advocate
For respective Respondents	Shri Arvind Shrivastava, Shri Ashish Shrivastava Shri Sandeep Dubey, Shri Sudeep Agarwal and Shri Rishikant Mahobia, Advocates

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

1. All the petitions were heard and reserved on 10.4.2017 except WPS Nos.314/2017 & 6644 of 2016, which were heard and reserved on 12.4.2017 and 13.4.2017 respectively. All the petitions are being disposed of by this common order as common facts and common question of law are involved.
2. Petitioners have preferred their respective writ petitions for a direction to the respondents to consider their cases for appointment on the post of Assistant Professor and Lecturer in different disciplines in Government Engineering Colleges and Government Polytechnic Colleges, respectively.
2. The Chhattisgarh Public Service Commission (henceforth "the PSC") issued the subject advertisement No.3/15 dated 9.7.2015 published on 15.7.2015 for recruitment of Assistant Professors (Engineering Colleges) and the Lecturers (Polytechnic Colleges) for which the prescribed qualification for the post of Assistant Professor, Engineering College, was B.E./B.Tech and M.E./M.Tech in relevant Branch with first class or equivalent either in B.E./B.Tech or M.E./M.Tech. For the post of Lecturer (Polytechnic Colleges), the essential qualification was Bachelors Degree in Engineering/Technology in the relevant Branch with first class or equivalent with further stipulation that if the candidate has the Masters' Degree in Engineering/Technology, the first class or equivalent is required either at Bachelors' level or at Masters' Level.

3. Admittedly, the petitioners do not possess the qualification in the same name/discipline, which is mentioned in the advertisement. For the brevity, the details of the petitioners, supplied by their respective counsel, about the post for which the petitioners have applied, the qualification required for the post and the qualification possessed by the respective petitioners, are mentioned in the following chart :

Sr. No.	WPS No.	Name of the petitioners	Post for which the petitioners have applied	Qualification prescribed in the advertisement	Qualification possessed by the petitioners
1.	5284/16	I. Nitish Kumar Rai	Lecturer (Instrumentation)	B.Tech/B.E. (Instrumentation) in relevant branch with 1st Class or equivalent	B.E. (Electronics & Instrumentation) with 1st Division (Hons.)
		ii. Akhil Kumar Rathore	-Do-	-Do-	-Do-
2.	314/17	Ghanshyam Vishwakarma	Assistant Professor (Engineering College) (Electrical)	B.E./B.Tech and M.E./M.Tech in relevant branch with 1st class or equivalent	B.E. (Electrical & Electronics) and M.E. (High Voltage and Power System)
3.	1443/17	I. Lokesh Kumar Dewangan	-Do-	B.E./B.Tech (Electrical) and M.E./M.Tech in relevant branch with 1st class or equivalent	B.E. (Electrical and Electronics) and M.Tech (Electrical Engineering)
		ii. Gitesh Kumar	-Do-	-Do-	-Do-
4.	4633/16	Shesh Narayan Sahu	Assistant Professor (Government Engineering College) for Information Technology	B.E./B.Tech and M.E./M.Tech in relevant branch with First Class or equivalent either in B.E./B.Tech or M.E./M.Tech	B.E. In Information Technology and M.Tech in Computer Science & Engineering
5.	4639/16	Satyendra Yadav	-Do-	-Do-	B.E. In Information Technology and M.Tech in Computer Technology & application
6.	4852/16	I. Saurabh Singh	Assistant Professor & Lecturer	B.Tech/B.E. (Electrical) and M.E./M.Tech (Electrical) in relevant branch with First Class or equivalent either in	B.E. (Elec. & Electronics) First Division and M.Tech (Electrical Engineering) First Class with Distinction

				B.E./B.Tech or M.E./M.Tech	
		ii. Manish Kumar Sahu	-Do-	-Do-	B.E. (Elec. & Electronics) First Division and M.Tech (Electrical Engineering) First Class
		Iii. Piyush Kumar	Lecturer	B.Tech/B.E. (electrical) first division	B.E. (Elec. & Electronics) with First Division
7.	4966/16	I. Vikas Kumar Gabel	Lecturer (Elec. Engineering)	Bachelors degree in Engineering/Technology in the relevant branch with First Class or equivalent if the candidate has a masters degree in engineering/technology, first class or equivalent is required at bachelors or masters level	B.E. In Electrical & Electronics Engineering
		ii.Digvijay Kumar Gabel	-Do-	-Do-	-Do-
		Iii.Nisha Deshmukh	-Do-	-Do-	-Do-
		iv.Arti Verma	-Do-	-Do-	-Do-
		V.Padmini Hardel	-Do-	-Do-	-Do-
		VI. Bharthari Singh	-Do-	-Do-	-Do-
		VII.Roshni Sahu	-Do-	-Do-	-Do-
		VIII.Saurabh Dewangan	-Do-	-Do-	-Do-
		IX.Nishant Kumar Dewangan	-Do-	-Do-	-Do-
		X. Mukteshwari Sahu	-Do-	-Do-	-Do-
		XI. Shyama	-Do-	-Do-	-Do-
		XII.Gitesh Kumar	-Do-	-Do-	-Do-
		XIII.Ghanshyam Vishwakarma	-Do-	-Do-	-Do-

8.	5403/16	I.Juhi Verma	Lecturer (Electrical)	B.Tech/B.E. (Electrical) in relevant branch with 1st Class or equivalent	B.E. (Elec. & Electronics) with First Division (Hons)
		ii. Bhanu Pratap Bharti	Lecturer (Electrical)	do	B.E. (Elec. & Electronics) with First Division
9.	5466/16	I.Rakesh Nirmalkar	Lecturer (Elec. Engineering)	Bachelors degree in Engineering/Technology in the relevant branch with First Class or equivalent if the candidate has a masters degree in engineering/technology, first class or equivalent is required at bachelors or masters level	B.E. In Electrical & Electronics Engineering
		II.Pooja Thawait	-Do-	-Do-	-Do-
		Iii.Durgesh Kumar Lihare	-Do-	-Do-	-Do-
		IV. Girja Shankar Verma	-Do-	-Do-	-Do-
		V. Virendra Kumar Nageshiya	-Do-	-Do-	-Do-
		VI.Pooja Chandrakar	-Do-	-Do-	-Do-
		VII. Mridul Kumar Jha	-Do-	-Do-	-Do-
		VIII.Anish Vishal	-Do-	-Do-	-Do-
10.	6000/16	I.Rupa Devi Rajeshwar	-Do-	-Do-	-Do-
11.	6078/16	I.Geetesh Kumar	Assistant Professor (Elec. & Electronics)	B.Tech/B.E. (Elec. & Electronics) & M.E./M.Tech in relevant branch with 1st Class or equivalent	B.E. (Elec. & Electronics) & M.Tech (Electrical Engineering)
		ii.Saurabh Singh	Assistant Professor (Elec. & Electronics)	B.Tech/B.E. (Elec. & Electronics) & M.E./M.Tech in relevant branch with 1St Class or equivalent	B.E. (Elec. & Electronics) & M.Tech (Power Electronics & Drives)
		Iii.Manish Kumar Sahu	Assistant Professor (Elec.	B.Tech/B.E. (Elec. & Electronics) &	B.E. (Elec. & Electronics) & M.Tech

			& Electronics)	M.E./M.Tech in relevant branch with 1St Class or equivalent	(Electrical Engineering)
		IV.Dheeraj Kumar Sahu	Assistant Professor (Elec. & Electronics)	B.Tech/B.E. (Elec. & Electronics) & M.E./M.Tech in relevant branch with 1St Class or equivalent	B.E. (Elec. & Electronics) & M.Tech (Power Electronics & Drives)
12.	6644/16	I.Ghanshyam Vishwakarma	Assistant Professor (Elec. & Electronics)	B.Tech/B.E. & M.E./M.Tech in relevant branch with 1St Class or equivalent	B.E. (Elec. & Electronics) & M.E. (High Voltage & Power System)

From the aforesaid chart, it is manifest that some of the petitioners have applied for both the posts.

4. It is not in dispute that all the petitioners duly applied for the post and were issued call letters for interview and at this stage, during scrutiny of papers, they were declared ineligible on the ground that they are not possessed with the required degree as mentioned in the advertisement.
5. Shri Sunil Otwani, Shri Manoj Paranjpe and Shri Vinay Pandey, learned counsel appearing for the respective petitioners would argue that by Notification dated 2.2.2017, the degree possessed by the petitioners have been declared relevant for the subject for which the degree is made essential in the advertisement, therefore, since on the date of advertisement the petitioners were possessed of such qualification, they are duly eligible for the post and their candidature should have been considered on merits. They have relied on **Shyam Sunder and others Vs. Ram Kumar and another¹, Zile Singh Vs. State of Haryana and**

¹ (2001) 8 SCC 24

others², Chandrakala Trivedi Vs. State of Rajasthan and others³, Parvaiz Ahmad Parry Vs. State of Jammu and Kashmir and others⁴, State of Bihar and others Vs. Ramesh Prasad Verma (dead) Through LRs⁵, Commissioner of Income Tax I, Ahmedabad Vs. Gold Coin Health Food Private Limited⁶.

6. Per contra, Shri S.P. Kale, learned Deputy Advocate General & Mr. Satish Gupta, learned Government Advocate and Shir Arvind Shrivastava, Shri Ashish Shrivastava , Shri Sandeep Dubey and Shri Rishikant Mahobia, learned counsel appearing for the respective respondents would submit that writ petition preferred by one Reshamlal Pradhan being WPS No.3169 of 2015 (**Reshamlal Pradhan Vs. State of Chhattisgarh and other⁷**) arising out of the same advertisement dealing with the same issue has already been dismissed by this Court, therefore, the present writ petitions are required to be dismissed. They would also submit that dealing with the similar issue of equivalence, this Court has already dismissed the similar pleas as raised by the petitioners in **Kavita Das and others Vs. State of Chhattisgarh and others and other connected matters⁸** and **Sudhir Dewangan Vs. State of Chhattisgarh and others⁹**, therefore, for this reason also, the writ petitions deserve to be dismissed. They have relied on **Prakash Chand Meena and**

2 (2004) 8 SCC 1

3 (2012) 3 SCC 129

4 2015 AIR SCW 6286

5 AIR 2017 SC 734

6 (2008) 9 SCC 622

7 WPS No.3169 of 2015 (decided on 08.12.2015) (SB)

8 WPS No.1750 of 2011 (decided on 11.09.2014) (SB)

9 WPS No.2992 of 2015 (decided on 14.9.2015) (DB)

others Vs. State of Rajasthan and others¹⁰, M. Surender Reddy Vs. State of Andhra Pradesh and others¹¹, Richa Mishra Vs. State of Chhattisgarh and others¹², Ganapath Singh Gangaram Singh Rajput Vs. Gulbargha University Represented by its Registrar and others¹³, Rajbir Singh Dalal (Dr.) Vs. Choudhari Devi Lal University, Sirsa and another¹⁴, Sangam Spinners Vs. Regional Provident Fund Commissioner I¹⁵, Union of India and others Vs. Tushar Ranjan Mohanty and others¹⁶ and J.S. Yadav Vs. State of Uttar Pradesh and another¹⁷, to argue that the relevance of the Notification dated 2.2.2017 does not have retrospective effect and that the equivalence/relevance is to be decided by the concerned academic Institution/University/Board and the Court not being the expert cannot decide the relevance/equivalence on the cut off date.

7. The issue brought before this Court concerning equivalence or relevance of the subject has to be decided on the anvil of the statutory provisions, which govern the subject recruitment and the qualification.
8. In exercise of powers conferred under sub-section (1) of Section 23 read with Section 10 (i) & (v) of the All India Council for Technical Education Act, 1987, Regulations known as the All India Council for Technical Education [Pay Scales, Service

10 (2015) 8 SCC 484

11 (2015) 8 SCC 410

12 (2016) 4 SCC 179

13 (2014) 3 SCC 767

14 (2008) 9 SCC 284

15 (2008) 1 SCC 391

16 (1994) 5 SCC 450

17 (2011) 6 SCC 570

Conditions and Qualifications for the Teachers and other Academic Staff in Technical Institutions (Degree)] Regulations, 2010 (for short “the AICTE Regulations”) have been framed which lays down the qualification for the post of Assistant Professor and Lecturer in different disciplines to be under graduate or post graduate in relevant branch with first class or equivalent in under graduate or post graduate examination.

9. In exercise of powers conferred under Article 309 of the Constitution of India, the State Government has framed the rules namely; the Chhattisgarh Technical Education (Teaching Cadre-Engineering College) (Gazetted) Services Recruitment Rules, 2014 (for short “the Rules, 2014”) and similarly the Chhattisgarh Technical Education (Teaching Cadre-Polytechnic) (Gazetted) Service Recruitment Rules, 2014 (for short 'the Rules, 2014') have been framed for recruitment of Lecturers in Polytechnic Colleges. In both the Rules the prescribed qualification for the post of Assistant Professor and the Lecturer has been bodily lifted from the AICTE Regulations and as such the qualification is the same as in the AICTE Regulations. The said qualification prescribed under the Rules, 2014 has been prescribed in the subject advertisement. The qualification prescribed in the advertisement is, thus, in accordance with the AICTE Regulations and the Rules, 2014 mandating that the candidate applying for a particular post in a particular discipline must have the under graduate or post graduate degree in the relevant subject.
10. The expression “relevant subject” for appointment on a post with reference to the qualification has been considered by the

Supreme Court in **Ganapath Singh Gangaram Singh Rajput (supra)**, holding that post-graduate degree in “relevant subject” in the context would mean post-graduate degree in which the candidate has applied for recruitment to teach a particular subject. The Supreme Court has observed thus in paras 21 & 22 :

“21. As is evident from the advertisement, applications were invited for filling up various posts in different subjects including the post of Lecturer in MCA. The advertisement requires post-graduate degree in the ‘relevant subject’. The relevant subject would, therefore, in the context of appointment to the post of Lecturer, mean postgraduate degree in MCA. In our opinion, for appointment to the post of Lecturer, Masters degree in the Mathematics is not the relevant subject. The advertisement requires Masters degree in the ‘relevant subject’ and not ‘appropriate subject’. In the present case, the Board of appointment has not stated that post-graduate degree in Mathematics is the relevant subject for MCA but in sum and substance it is equivalent to a post-graduate degree in MCA for the reason that Mathematics is one of the subjects taught in MCA. This, in our opinion, was beyond the power of the Board of appointment.

22. It shall not make any difference even if Mathematics is taught in the Masters of Computer Application course. The learned Single Judge, in our opinion, gravely erred in upholding the contention of Ganpat and the University that ‘relevant subject’ would mean ‘such of those subjects as are offered in the MCA course’. If Mathematics is taught in a post-graduate course in Commerce, a Masters degree in Commerce would not be relevant for appointment in Mathematics or for that matter in MCA. There may be a situation in which Masters degree in MCA is differently christened and such a degree may be considered relevant but it would be too much to say that a candidate having postgraduate degree in any of the subjects taught in MCA would make the holders of a Masters degree in

those subjects as holder of Masters degree in Computer Application and, therefore, eligible for appointment.”

11. In a subsequent decision rendered in **Prakash Chand Meena** (supra), the Supreme Court has held that in the matter of eligibility qualification, equivalent qualification must be recognized as such in existing recruitment rules or government order existing on or before the initiation of recruitment process.
12. Shri Sunil Otwani, Shri Manoj Paranjpe and Shri Vinay Pandey, learned counsel for the respective petitioners have referred to the 'relevant notification' dated 02.02.2017 issued by the State Government in exercise of powers under Article 309 of the Constitution of India to strenuously urge that once all the petitioners have obtained the under graduation or the masters degree before the cut off date which has been subsequently declared 'relevant subject or discipline' for which the petitioners have applied, they are entitled for consideration of their candidature because they were having the requisite qualification in the relevant subject before the cut off date.
13. I have given anxious and thoughtful consideration to the submission made by the learned counsel for the petitioners on the above score, however, the law laid down by the Supreme Court in **Prakash Chand Meena** (supra) is that the qualification must be recognized as such in existing recruitment rules or government order existing on or before initiation of recruitment process and for a further reason that a similar plea which has been raised by one of the candidate who had appeared in the same recruitment process namely; Reshamlal Pradhan has been

rejected by a coordinate Bench of this Court in WPS No.3169 of 2015 decided on 08.12.2015, against which, writ appeal bearing WA No.37 of 2016 has been preferred, but dismissed as withdrawn before the Division Bench of this Court on 28.01.2016. Thus, even if the said decision was rendered before issuance of the relevant notification dated 02.02.2017, the observation made by the Supreme Court in **Prakash Chand Meena** (supra) would still bar the petitioners to raise a contrary argument to validate their candidature on the basis of a relevance notification which was not existing on the date of initiation of recruitment process.

14. For all the aforesaid reasons and in view of the law laid down by the Supreme Court, this Court does not find any substance in any of the writ petitions. Accordingly, all the writ petitions are liable to be and are hereby dismissed.

15. There shall be no order as to cost(s).

Sd/-

Judge
(**Prashant Kumar Mishra**)

Gowri